

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AMERICAN UNIVERSITY OF
ANTIGUA,

Plaintiff,

HONORABLE PATRICK J. DUGGAN

v.

No. 10-10978

STEVEN WOODWARD,

Defendant.

MOTION TO REMOVE ATTORNEY

Detroit, Michigan -- Thursday, August 11, 2011

APPEARANCES:

Eric A. Buikema, Esq.
Cardelli, Lanfear & Buikema, P.
322 West Lincoln
Royal Oak, Michigan 48067
Tel: (248) 544-1100
ebuikema@cardellilaw.com
On behalf of Plaintiff

Steven L. Woodward
In Pro Per
c/o 7211 Brittwood Lane
Flint, Michigan 48507
steve_l_woodward@yahoo.com
On behalf of Defendant

- - -

To Obtain A Certified Transcript, Contact:
Nefertiti A. Matthews, Official Court Reporter
Theodore Levin United States Courthouse
231 West Lafayette Boulevard, Room 867
Detroit, Michigan 48226
www.transcriptorders.com • jodi_matthews@mied.uscourts.gov

Proceedings recorded by mechanical stenography.
Transcript produced by computer-aided transcription.

Motion To Remove Attorney
Thursday, August 11, 2011

I N D E X

- - -

<u>HEARING:</u>		<u>PAGE:</u>	<u>VOL:</u>
Motion To Remove Attorney	.....	5	1
Argument By Mr. Woodward	.....	5	1
Response By Mr. Taggart	.....	5	1
Response By Mr. Woodward	.....	6	1
Response By Mr. Taggart	.....	8	1
Response By Mr. Woodward	.....	9	1
Decision By The Court	.....	10	1
Motion To File Electronic Files	.....	11	1
Argument By Mr. Woodward	.....	11	1
Response By Mr. Buikema	.....	15	1
Response By Mr. Woodward	.....	16	1
Response By Mr. Buikema	.....	24	1
Response By Mr. Woodward	.....	25	1
Response By Mr. Buikema	.....	28	1
Response By Mr. Woodward	.....	29	1
Response By Mr. Buikema	.....	34	1
Motion to File Counter-Claim	.....	35	1
Argument By Mr. Woodward	.....	35	1
Response By Mr. Buikema	.....	37	1
Response By Mr. Woodward	.....	37	1
Response By Mr. Buikema	.....	40	1

Motion To Remove Attorney
Thursday, August 11, 2011

I N D E X (CONT.)

<u>HEARING:</u>		<u>PAGE:</u>	<u>VOL:</u>
Summary By The Court	40		1
Response By Mr. Woodward	41		1
Certification of Reporter	54		

Motion To Remove Attorney
Thursday, August 11, 2011

4

Detroit, Michigan

Thursday, August 11, 2011

3:11 p.m.

— — —

THE CLERK: Civil action number 10-10978; American University of Antigua College of Medicine versus Steven Woodward.

THE COURT: All right. Identify yourselves, for the record.

MR. WOODWARD: My name is Steven Woodward, I'm the defendant.

MR. BUIKEMA: Good afternoon, Your Honor. Eric Buikema, on behalf of the plaintiff, American University of Antigua.

MR. TAGGART: Your Honor, Leigh Taggart, from Rader, Fishman & Grauer, I was the pro bono counsel, the court appointed.

THE COURT: Why don't you come forward.

Mr. Woodward, come up. Now, this is your request, Mr. Woodward? This is your request that you made, Mr. Woodward?

MR. WOODWARD: Pardon me, sir?

THE COURT: This is a request you made?

MR. WOODWARD: What's that?

THE COURT: To remove him as attorney?

Motion To Remove Attorney
Thursday, August 11, 2011

5

1 **MR. WOODWARD:** Yes, I did.

2 **THE COURT:** Okay. That's why we're here, isn't
3 it?

4 **MR. WOODWARD:** Right, sir. I didn't understand
5 your question. Sorry.

6 **THE COURT:** And you understand he's, "Pro bono",
7 volunteering his services?

8 **Motion To Remove Attorney**

9 **ARGUMENT BY MR. WOODWARD**

10 **MR. WOODWARD:** Your Honor, I believe there's a
11 major conflict of interest here.

12 **THE COURT:** Stop. You understand that he's
13 volunteering his services?

14 **MR. WOODWARD:** According to the contract that I
15 have, I didn't see that it was a volunteer of services.
16 As far as in the contract it stated that, "Redemption
17 of funds for services rendered--", I forget the exact
18 quotation of the contract that I was about to sign.

19 **THE COURT:** The contract?

20 **MR. WOODWARD:** Yeah, there was a contract that I
21 was to sign to have him represent me?

22 **MR. TAGGART:** An engagement letter, Your Honor.

23 **THE COURT:** And does it provide for compensation?

24 **RESPONSE BY MR. TAGGART**

25 **MR. TAGGART:** No, what it provides is that there's

Response By Mr. Taggart
Thursday/August 11, 2011

6

1 a, and I do this with all pro bono clients, that we're
2 providing our services for free. That there's a court
3 fund available to pay up to \$2,000 of costs in the
4 proper circumstances, if approved by the Court. And
5 the client understands that if the Court awards us
6 costs, offsets, that that goes to the firm, not to the
7 client because we've paid the money for the costs.

8 **RESPONSE BY MR. WOODWARD**

9 **MR. WOODWARD:** I read that differently, Your
10 Honor.

11 **THE COURT:** How did you read it?

12 **MR. WOODWARD:** I read it that their time spent
13 would be money that I could owe them, is how I read the
14 engagement letter.

15 **THE COURT:** How did you read it that way? Do you
16 have it in front of you? Show me what words in there
17 that led you to that conclusion?

18 **MR. WOODWARD:** I do have a copy of it. I've got
19 it. It could be an error of mine. I do have --

20 **THE COURT:** Hold on. Stop. Read it. Don't keep
21 telling me, "I read it this way." Bring it out in
22 front of you and show me where it says that that led
23 you to that conclusion.

24 **MR. WOODWARD:** "You agree that we may seek
25 reimbursement, expenses actually incurred on your

Response By Mr. Woodward
Thursday/August 11, 2011

7

1 behalf and that any amount paid to the Court from its
2 fund shall go solely and directly to the firm and not
3 to you."

4 **THE COURT:** That's reimbursement of costs.

5 **MR. WOODWARD:** But I read that against me also.
6 Reimbursement of costs to me if I don't agree with
7 their evaluations.

8 **THE COURT:** What do you mean?

9 **MR. WOODWARD:** "If you refuse to follow our advice
10 or refuse to cooperate in preparing your case,
11 including failing to communicate with us about the
12 case, then we request informal decision, you agree that
13 we shall have the right to terminate the
14 representation."

15 So, basically, I read it as I would owe them money
16 if they --

17 **THE COURT:** I don't know how you read it that way.
18 Fact of the matter is, you're not paying them, are you?

19 **MR. WOODWARD:** No.

20 **THE COURT:** Okay. So, you're getting a free
21 lawyer, correct?

22 **MR. WOODWARD:** Well, I don't see it like that,
23 Your Honor, not if one of their clients is Trinity
24 Healthcare Network.

25 **THE COURT:** Time out. Why does that change that

Response By Mr. Woodward
Thursday/August 11, 2011

8

1 you're getting a free lawyer?

2 **MR. WOODWARD:** Because Trinity Healthcare Network
3 is in docket one as one of his partners.

4 **RESPONSE BY MR. TAGGART**

5 **MR. TAGGART:** Your Honor, may I address the issue
6 that I think Mr. Woodward is concerned about?

7 **THE COURT:** Sure.

8 **MR. TAGGART:** And perhaps legitimately so, I'm not
9 expressing an opinion about that.

10 When I met with Mr. Woodward initially, he was
11 kind enough to come to our office and bring his
12 documents with him. And I explained to him that we had
13 looked at his earlier court case, which he had filed in
14 Oakland County Circuit Court. That was a case in which
15 he was ultimately unsuccessful, appealed to the
16 Michigan Court of Appeals and was unsuccessful there.
17 The reason I brought that up is because one of the
18 named defendants, in his earlier litigation, was
19 Trinity Health Systems. My firm represents Trinity in
20 trademark matters unrelated to the present case.

21 I did that to explain to Mr. Woodward that though
22 Trinity was not named, in this case, I wanted to make
23 it clear to him that we could not take positions
24 adverse to a current client of the firm and comply with
25 their obligations under the bar rules. I also

Response By Mr. Taggart
Thursday/August 11, 2011

9

1 explained that in my analysis, I did not believe that
2 this case would require us to do so. But I had to
3 inform Mr. Woodward of that position obviously in order
4 to comply with my obligation under the bar rules.

5 Mr. Woodward, I think, I'll let him speak for
6 himself on this. But my understanding from our
7 communications, that I don't want to reveal exactly,
8 unless he chooses to, is that he had remaining concern
9 about the potential for my firm's conflict of interest,
10 given the fact that we had an ongoing relationship with
11 Trinity Healthcare.

12 **THE COURT:** Fair enough. Is that a fair statement
13 of what happened?

14 **RESPONSE BY MR. WOODWARD**

15 **MR. WOODWARD:** That and also right off the bat he
16 says that if I don't agree with one of his
17 recommendations, one of his recommendations was to file
18 a Rule 56(d) motion for an adjournment of this upcoming
19 hearing of which Mr. Buikema has not complied with Rule
20 34 of production of documentation, including my own
21 student records, which are a violation of 20 U.S.C.
22 1234(g) of the very exact laws of which he's claiming I
23 violate.

24 And it also supports my claim that the school --
25 I'm going to read his exact claim, "Disregard for basic

Response By Mr. Woodward
Thursday/August 11, 2011

10

1 student civil rights". And that's an obvious civil
2 right to give students a right to view their
3 documentation.

4 **THE COURT:** Well, you're telling me that you're
5 not satisfied that this attorney should continue
6 representing you?

7 **MR. WOODWARD:** I'm very satisfied with that. I
8 feel that if --

9 **THE COURT:** Stop. I said, "You're not satisfied."

10 **MR. WOODWARD:** Right. Correct. I'm not satisfied
11 with that. Just based on his first opinion of what he
12 wants to do with this case, I don't agree with him.

13 **THE COURT:** All right. Then I'm going to allow
14 him to withdraw but you're not getting another attorney
15 appointed.

16 **MR. WOODWARD:** I needed an attorney back in
17 December of when I was --

18 **Decision By The Court**

19 **THE COURT:** That's your job. We don't have funds
20 to appoint attorneys. We do have a limited number of
21 attorneys who volunteer to take pro bono cases, very
22 limited number. We don't have any more.

23 So, you're dissatisfied with him. You think
24 there's a conflict, he shouldn't have to represent you.
25 And you want him out, he's out. You're on your own.

Decision By The Court
Thursday/August 11, 2011

11

1 You either represent yourself or get yourself a
2 lawyer.

3 **MR. WOODWARD:** I understand that.

4 **THE COURT:** Okay.

5 **MR. WOODWARD:** I'd like to bring up a couple more
6 points while I'm here.

7 **MR. TAGGART:** May I be excused, Your Honor?

8 **THE COURT:** Sure.

9 **MR. TAGGART:** Thank you.

10 **Motion To File Electronic Files**

11 **ARGUMENT BY MR. WOODWARD**

12 **MR. WOODWARD:** And that's about electronic filing.
13 I've asked for a motion to file electronic
14 documentation, in this matter.

15 **THE COURT:** I'm sorry, you asked for a motion?

16 **MR. WOODWARD:** I submitted a motion to file -- to
17 be able to file an -- I can't go to the County Clerk's
18 Office and give them a CD with evidence on it, they
19 won't accept it without an order from you saying that I
20 can submit a CD as far as the case is concerned because
21 it's an electronic file.

22 **THE COURT:** Did you submit a document seeking an
23 order from me on that?

24 **MR. WOODWARD:** I did, I submitted two of them,
25 sir. It's docket 132, sir.

Argument By Mr. Woodward
Thursday/August 11, 2011

12

1 **THE COURT:** My clerk tells me there's a number of
2 matters pending before a Magistrate.

3 **MR. WOODWARD:** All I'm asking for --

4 **THE COURT:** Did you hear me?

5 **MR. WOODWARD:** I know there's a --

6 **THE COURT:** Listen to me, don't talk.

7 **MR. WOODWARD:** Yes, sir. I know there's a bunch
8 --

9 **THE COURT:** Listen, don't talk, listen. My clerk
10 says there's a number of matters pending before the
11 Magistrate; is that correct?

12 **MR. WOODWARD:** Yes, sir.

13 **THE COURT:** Okay.

14 **MR. WOODWARD:** But sir, that particular instance
15 goes all the way back to docket three.

16 **THE COURT:** That doesn't tell me anything.

17 **MR. WOODWARD:** I mean, that goes back to last
18 year.

19 **THE COURT:** What goes back?

20 **MR. WOODWARD:** The fact to be able to file
21 electronic documentation. I asked for that in docket
22 three.

23 **THE COURT:** Okay. I don't know where it is, maybe
24 the Magistrate has it, whatever. But do you have a
25 copy of what you've submitted?

Argument By Mr. Woodward
Thursday/August 11, 2011

13

1 **MR. WOODWARD:** I do, sir. May I leave the --

2 **THE COURT:** Sure.

3 **MR. WOODWARD:** May I approach the Bench, sir?

4 **THE COURT:** Sure.

5 **MR. WOODWARD:** This is the motion. But inside the
6 motion, if I may point this out, there's a statement
7 here that says the defendant requested to file
8 electronic copies and I give the quote, docket number
9 three.

10 **THE COURT:** You did not submit a proposed order?

11 **MR. WOODWARD:** I can look it up, docket number
12 three and see. I'm sorry, sir, I'm not an attorney,
13 but that goes back to docket number three. Can I go
14 back and get docket three?

15 Sir, can I make a statement?

16 **THE COURT:** Sure.

17 **MR. WOODWARD:** And this goes to my defense against
18 this man's, upcoming on the 18th, his request for
19 preliminary injunction. Because I can show that his,
20 whatever this thing is, whatever this last docket that
21 he put out, 154, 153, this next thing on 8-18, his
22 whole thing about rules of admissions and me not
23 providing that information to him, it's all recorded
24 on -- it's all on tape in front of Judge Hluchaniuk.

25 So, all of my evidence against him is on

Argument By Mr. Woodward
Thursday/August 11, 2011

14

1 electronic files, multiple electronic files, including
2 recordings in his own deposition.

3 **THE COURT:** Then where are those documents?

4 **MR. WOODWARD:** They're on discs.

5 **THE COURT:** On the Court file?

6 **MR. WOODWARD:** I have discs, that I have
7 recordings, including a recording that I purchased from
8 the Court that has a recording of the hearing on
9 December 22nd.

10 **THE COURT:** Okay.

11 **MR. WOODWARD:** Okay. So, the December 22nd
12 hearing was recorded, right?

13 **THE COURT:** Should have been transcribed by a
14 court reporter.

15 **MR. WOODWARD:** I don't have a transcribed copy of
16 it, they only gave me an electronic file.

17 **THE COURT:** Who is, "They"?

18 **MR. WOODWARD:** The Court at Flint. And I can only
19 afford that also. There's a difference in cost between
20 a \$25 dollar copy and whatever it is versus \$200 to
21 transcribe a copy and I don't have the funds.

22 **THE COURT:** The hearing was in front of
23 Hluchaniuk?

24 **MR. WOODWARD:** Correct, sir.

25 **THE COURT:** Were you present?

Argument By Mr. Woodward
Thursday/August 11, 2011

15

1 **MR. BUIKEMA:** I was, Your Honor.2 **THE COURT:** All right. So, you want to do what
3 with that disc?4 **MR. WOODWARD:** Well, that disc has electronic
5 files that proves him -- his statements about
6 admissions and my answers to admissions are totally
7 bogus but they're on electronic files. That's why
8 those orders are important because I need to be able to
9 produce electronic copy of this information. That's my
10 evidence against him.11 **THE COURT:** Do you know what he's talking about?12 **RESPONSE BY MR. BUIKEMA**13 **MR. BUIKEMA:** I'm not sure, but I think.14 And what I think Mr. Woodward is referring to,
15 first of all, our motion for a partial summary
16 disposition, which is up for next week. Part of the
17 basis for that motion was Mr. Woodward's failure to
18 timely respond to request for admissions which, as you
19 know, under the rule, if not responded to, are deemed
20 admitted. I think the Court file speaks for itself in
21 that regard.22 But if he has additional information that he
23 thinks comes from this hearing, from my office or from
24 Mars, for that matter, I don't care if he submits it, I
25 take no position on that. And I don't care what form

Response By Mr. Buikema
Thursday/August 11, 2011

16

1 he submits it.

2 But there is no proof of service. There is no
3 response. There is no --

4 **THE COURT:** Am I'm going to get some documents to
5 read?

6 **RESPONSE BY MR. WOODWARD**

7 **MR. WOODWARD:** No, sir, it's an audio recording of
8 this conversation.

9 **THE COURT:** How long does it last?

10 **MR. WOODWARD:** I have it all time stamped. It's
11 in my motion. It's in my replied responses to these
12 last three motions that he filed at the end of April.

13 **MR. BUIKEMA:** My recollection, Your Honor, it's
14 about a 45-minute hearing.

15 **MR. WOODWARD:** I know exactly where it is on the
16 hearing.

17 **THE COURT:** Where what is?

18 **MR. WOODWARD:** Statements proving that he's lying
19 in his documentation.

20 **THE COURT:** All right. And you've identified that
21 on the recording?

22 **MR. WOODWARD:** Correct. And I've tried to
23 transcribe it and submit it for motions to the Court.

24 **THE COURT:** You tried to transcribe it?

25 **MR. WOODWARD:** I listened to the recording and I

Response By Mr. Woodward
Thursday/August 11, 2011

17

1 wrote it down and I submitted them in motions that I
2 submitted to the Court because I could not send in
3 electronic copies because I don't have an order to
4 produce electronic copies of these files.

5 **THE COURT:** Were these documents submitted to the
6 Magistrate Judge?

7 **MR. WOODWARD:** They were submitted with my
8 responses to his last three motions.

9 THE COURT: Do you have copies of those?

10 MR. WOODWARD: I do.

11 | **THE COURT:** Do I need to listen to the --

12 MR. WOODWARD: It's my evidence.

13 | **THE COURT:** But you say you've got documents.

14 **MR. WOODWARD:** I have what I listened to and what
15 I wrote down.

16 This whole case is against a website and a website
17 is all electronic files. He has produced nothing,
18 including my own student records.

19 **THE COURT:** We'll get to all of that. I want to
20 know what you're talking about.

21 Am I going to have to listen to a recording to
22 know what you're talking about?

23 MR. WOODWARD: That's my evidence.

24 **THE COURT:** Am I going to have to listen to a
25 recording?

Response By Mr. Woodward
Thursday/August 11, 2011

18

1 **MR. WOODWARD:** Unless I can get a copy of the
2 transcription from the December 22nd hearing. I can't
3 afford a transcription of the 22nd hearing.

4 **THE COURT:** You've told me you've identified in
5 the recording.

6 **MR. WOODWARD:** Correct.

7 **THE COURT:** Okay. And what is it I'm going to
8 hear in that section of the recording when I listen to
9 it?

10 **MR. WOODWARD:** You're going to hear where I
11 produced my admissions, my answers to interrogatories,
12 and all of my documentation to support my case. Every
13 single thing that he wanted, I produced in court.

14 He said to Judge Hluchaniuk that he would take
15 that information after that hearing and he didn't. He
16 refused to.

17 **THE COURT:** What do you mean, "Take that
18 information"?

19 **MR. WOODWARD:** I brought that information for him.

20 **THE COURT:** Are you talking about documents?

21 **MR. WOODWARD:** I'm talking about my admissions, my
22 answer to my admissions. My answers to
23 interrogatories. It's 2,500 pages of all my evidence
24 that I had for him. The index of all that information
25 I brought for him and he didn't take it. He refused to

Response By Mr. Woodward
Thursday/August 11, 2011

19

1 take it. And it's recorded in front of Judge
2 Hluchaniuk. And it proves that what he said in his
3 last motion is a total lie.

4 **THE COURT:** Is this relevant to the hearing on the
5 18th?

6 **MR. BUIKEMA:** In my mind, absolutely not, Your
7 Honor.

8 **MR. WOODWARD:** Of course, it's not, it proves that
9 he's lying to the Court.

10 **THE COURT:** Well, counsel, that doesn't mean
11 something's not relevant. Irrelevancy has nothing to
12 do with which side is true, it's just whether it
13 relates to the subject matter.

14 **MR. WOODWARD:** It does if he says I'm not
15 producing evidence and I didn't give him the answers to
16 admissions?

17 **THE COURT:** Where is this disc?

18 **MR. WOODWARD:** I have probably a copy of it here.
19 As a matter of fact, I have an electronic copy on
20 my computer. It's either going to be this disc or this
21 disc.

22 **THE COURT:** Now, you told me there's a specific
23 point on that recording that relates to what you're
24 talking about.

25 **MR. WOODWARD:** Correct, sir. Can I go back here

Response By Mr. Woodward
Thursday/August 11, 2011

20

1 and get -- this is from docket number 152, sir. And
2 this is my response to his security cost's motion and
3 it supports his -- it supports my claims against him
4 for admissions. And I list it here, Exhibit 1, this is
5 the official court docket number for that electronic
6 file which is 1103_01cba1c7d2325970, December 22nd,
7 2010 Hearing, is the name of the electronic file I
8 received.

9 **THE COURT:** That's all part of docket what number?

10 **MR. WOODWARD:** 152.

11 **THE COURT:** That's all part of docket number 152?

12 **MR. WOODWARD:** Well, that's the electronic file
13 I'm trying to present to the Court. It's an exhibit
14 that I'm trying to submit but the Court wouldn't take
15 it.

16 **THE COURT:** Hold on. What Court wouldn't take it?

17 **MR. WOODWARD:** The clerks at the County
18 Courthouse. They won't take it unless I had a court
19 order to submit electronic documentation.

20 **THE COURT:** I thought you're asking for permission
21 to file the disc?

22 **MR. WOODWARD:** I am.

23 **THE COURT:** What is it you have in your hand?

24 **MR. WOODWARD:** This is my motion, the actual
25 recording is the electronic file.

Response By Mr. Woodward
Thursday/August 11, 2011

21

1 Okay. Let me continue. Okay. This starts at
2 time marker 9:36, so it will be nine minutes and 36
3 seconds into that electronic file.

4 The plaintiff says: "There's a continued
5 obligation to answer discovery. The Court ordered him
6 to answer interrogatories and request for production of
7 documentation, to date, he has not done so."

8 MR. WOODWARD: "I have, Your Honor. I produced
9 those. Every single hearing -- I produced those every
10 single hearing we've had."

11 Okay. So, this time marker here is from a
12 deposition, from his deposition of which he didn't show
13 up, he sent a minion to on March 24th.

14 "I've produced those every single hearing we've
15 had. Every single one of these deposition that these
16 guys have canceled, I've brought these documentation
17 with me. It's here. It's here today and they refuse
18 to take it. He refused. I have a recording of him
19 refusing to even turn around and look at the
20 documentation, including these of which I have brought
21 to the last deposition."

22 Okay. And Judge Hluchaniuk--

23 **THE COURT:** What are you reading from?

24 **MR. WOODWARD:** I'm transcribing what is recorded
25 on these electronic files I'm trying to produce to the

Response By Mr. Woodward
Thursday/August 11, 2011

22

1 Court, sir.

2 **THE COURT:** You're reading from a transcript that
3 you made, is that true?

4 **MR. WOODWARD:** Correct.

5 **THE COURT:** Okay.

6 **MR. WOODWARD:** I'm listening to the recording. I
7 don't have money for a transcriber.

8 **THE COURT:** You've told me that three times. I
9 understand.

10 Okay. So, if I go to 9:36 --

11 **MR. WOODWARD:** Well, that's on this particular
12 file. That's one part of evidence that on
13 December 22nd I tried to give him this information. He
14 canceled a deposition that was scheduled for
15 January 4th. He canceled a deposition at the end of
16 January.

17 February 1st we had a deposition of which he
18 walked out and I have a recording of him refusing to
19 take or even look at information on that deposition.

20 He wouldn't even turn around and look at the
21 visual evidence that I brought with me. He's asking me
22 to bring all of this stuff to these depositions but he
23 refuses to look at it.

24 **THE COURT:** So what?

25 **MR. WOODWARD:** Well, how does he go ahead and turn

Response By Mr. Woodward
Thursday/August 11, 2011

23

1 around and file a claim against me saying that I'm
2 refusing to produce answers to his admissions?

3 **THE COURT:** I don't know how that is, I haven't
4 read it but I'll get to it. Have you responded to the
5 motion that's up for the 18th?

6 **MR. WOODWARD:** I have, sir. I mean, part of those
7 responses is my defense here, sir.

8 **THE COURT:** Don't give me voluminous pages, get
9 right to what we're talking about, okay.

10 **MR. WOODWARD:** It's voluminous, sir.

11 This is from a time stamp. This is the defendant.
12 Again, I'm not a trained recording. Okay. Here you
13 go, this is on February 1st, this is an electronic
14 file, a recording I have with Mr. Buikema who's telling
15 the Judge that I'm not producing evidence.

16 This is me: "He didn't take--", this is me to his
17 stenographer: "He didn't take his answers to his
18 interrogatories either.

19 His stenographer: "That wasn't marked, was it?
20 He didn't mark it as an exhibit?"

21 "He didn't want it again, okay."

22 That's me talking to his stenographer because he
23 didn't take the interrogatories that I brought for him
24 and gave to him.

25 **THE COURT:** Why is it he got a stenographer there?

Response By Mr. Woodward
Thursday/August 11, 2011

24

1 **MR. WOODWARD:** What's that? It's whoever the
2 court reporter is.

3 **RESPONSE BY MR. BUIKEMA**

4 **MR. BUIKEMA:** He's referring, Your Honor, to his
5 deposition, at which I would ask him questions, such
6 as, "What's your name?" And he'd want to produce
7 documents.

8 **THE COURT:** So, this is his deposition?

9 **MR. BUIKEMA:** Yes, I refused to accept documents
10 in lieu of an answer of my question, is what he's
11 referring to, I believe.

12 **MR. WOODWARD:** That is not true. Sir, I brought
13 to December 22nd, 2,500 pages of documentation,
14 interrogatories, the answers to his interrogatories,
15 the answers to his request to admissions and he's
16 refusing to take this information.

17 **MR. BUIKEMA:** And I can short circuit this, I
18 hope.

19 The only item that he's listed, that I think would
20 be relevant to next week's hearing on the dispositive
21 motion, would be the request for admission responses.
22 I don't know whether they were at that hearing or not.

23 But it's true, I'll stipulate, for the record,
24 that I left the hearing without accepting the banker's
25 boxes that Mr. Woodward brought to that hearing, which,

Response By Mr. Buikema
Thursday/August 11, 2011

25

1 by the way, were a motion to compel because they were
2 all already overdue.

3 And the salient portion of that is the request for
4 admission responses would still have been overdue as of
5 that date and therefore deemed admitted.

6 Again, that's not the basis or the entire basis
7 for the motion for summary disposition but it is part
8 of the motion. But I think it's of no consequence of
9 what he's attempting to prove.

10 **MR. WOODWARD:** Sir, can I read another thing to
11 you?

12 **THE COURT:** Hold on. I think I'm hearing him say
13 that with respect to the request for admissions that he
14 was handing you his response, including those other
15 documents.

16 **MR. BUIKEMA:** I don't know whether that's true or
17 not. But I can say they would not have been timely at
18 that time anyway.

19 **THE COURT:** Are you saying that you had with you
20 the answers to the request for admissions?

21 **RESPONSE BY MR. WOODWARD**

22 **MR. WOODWARD:** I've told him that I've had these.
23 Yes, sir.

24 **THE COURT:** Okay. And were they included in a lot
25 of other documents?

**Response By Mr.Woodward
Thursday/August 11, 2011**

26

1 **MR. WOODWARD:** They were included in a separate
2 folder.

5 **MR. WOODWARD:** No, sir. He left it on the table.
6 His stenographer even pointed out that he purposely --
7 well, he left it on the table and didn't take it.

8 THE COURT: What is it that you sat on the table?

9 **MR. WOODWARD:** It was 2,500 pages of the evidence
10 that I was going to give him.

11 **THE COURT:** That's not what we're talking about.
12 He says you didn't answer the request for admissions.

13 **MR. WOODWARD:** Okay. Let me go back to this and I
14 sent you an email, whether or not you got this email or
15 not, this is last week.

Response By Mr. Woodward
Thursday/August 11, 2011

27

1 He didn't take any of it.

2 **THE COURT:** Why should he have to go through 2,500
3 pieces of paper? That's terribly burdensome.

4 **MR. WOODWARD:** I didn't -- I gave it to him on
5 February 1st.

6 **THE COURT:** Why should he have to go through them?

7 **MR. WOODWARD:** I gave it to him, Your Honor. I --

8 **THE COURT:** You didn't answer my question. It's
9 not fair he wants one thing about another thing, the
10 request for admissions and you hand him 2,600 pages and
11 say, "It's in there some place, you find it"?

12 **MR. WOODWARD:** That is not right. That is not
13 correct. No, it was in another manila envelope with my
14 answers to interrogatories, it was completely separate.

15 Judge Hluchaniuk even visually looked at that
16 stuff and said, "I witness that you have that", and he
17 told him to take what I brought with him today. He
18 didn't even have to sign for it, I brought it for him.
19 I made copies for him.

20 On February 1st, he took the information. Did I
21 make him sign for it? No. Did he take my 2,500 pages
22 of that documentation? Yes.

23 **THE COURT:** Do you have copies of your response to
24 his request for admissions?

25 **MR. WOODWARD:** I'm sure I do.

Response By Mr. Woodward
Thursday/August 11, 2011

28

1 **THE COURT:** You're not going to have to flip
2 through 2,500 pages, now, right?
3

4 **MR. WOODWARD:** No, it's right here on this stuff
5 that I have right here.
6

7 **THE COURT:** Counsel, are you saying you've never
8 seen a response to the request for admissions?
9

10 **MR. BUIKEMA:** We have now.
11

12 **THE COURT:** You have now?
13

14 **MR. BUIKEMA:** We have now.
15

16 **MR. WOODWARD:** So, you do now have my if
17 admissions?
18

19 **THE COURT:** He says he now has them, okay.
20

21 **MR. WOODWARD:** Okay. So, what does that say about
22 his part?
23

24 **THE COURT:** I don't know.
25

26 **MR. WOODWARD:** I'm glad you're typing that up
27 because he's telling, in his thing for next week, he's
28 saying I never gave it to him.
29

30 **THE COURT:** I don't know, we'll talk about that at
31 the hearing, okay.
32

33 When did you get it, counsel?
34

35 **RESPONSE BY MR. BUIKEMA**
36

37 **MR. BUIKEMA:** I can't answer that question off the
38 top of my head, it's relatively recent.
39

40 **THE COURT:** Pardon?
41

Response By Mr. Buikema
Thursday/August 11, 2011

29

1 **MR. BUIKEMA:** I can't answer that question off the
2 top of my head. It's relatively recent in the
3 litigation where we received, what I would consider to
4 be, nearly conforming responses to request for
5 admissions.

13 | RESPONSE BY MR. WOODWARD

14 **MR. WOODWARD:** Sir, I asked Ms. Orem here if she
15 would verify the date of which he filed the motion for
16 non-compliance of the motion to compel me to produce
17 that information. He did it, like, three hours after I
18 sent him that email on December 16th.

19 I brought that information to him, he didn't have
20 to go through a bunch of documentation. Matter of
21 fact, the documentation I gave him, everything was
22 stamped, Exhibit 1, Exhibit 3, and it has an index, an
23 electronic Excel Spreadsheet of every single thing that
24 was inside that 2,500 pages of exhibits.

25 | THE COURT: Okay. Well, he said he's got the

Response By Mr. Woodward
Thursday/August 11, 2011

30

1 request for admissions now and we'll deal with the
2 effect of that on the 18th. So, that takes care of
3 that issue, okay.

4 **MR. WOODWARD:** Correct, sir.

5 And so can I produce electronic files?

6 **THE COURT:** When you use the word, "Produce", what
7 do you mean?

8 **MR. WOODWARD:** A CD so that I can --

9 **THE COURT:** What do you mean by the word,
10 "Produce"?

11 **MR. WOODWARD:** Can I use electronic files as
12 exhibits in our hearings?

13 **THE COURT:** It depends on how much there is?

14 **MR. WOODWARD:** My website is an electronic
15 website. I can't adequately take electronic files or
16 paper copy files of an electronic website and all of
17 the recordings and everything and have, I believe, a
18 fair hearing.

19 Even his very first docket 1 claim, he didn't even
20 produce a copy of my website, he produced, like, some
21 kind of affidavit or something as exhibits.

22 **THE COURT:** How much time is it going to take for
23 you to produce what you want?

24 **MR. WOODWARD:** I need to respond to his frivolous
25 claims, sir.

Response By Mr. Woodward
Thursday/August 11, 2011

31

1 **THE COURT:** Try my question again. You want to
2 introduce some electronic and you want this Court to
3 sit here and listen to it?

4 **MR. WOODWARD:** I will find the time markings of
5 the things that I need heard, if that helps. I've
6 already done it for these two motions.

7 **THE COURT:** You're only going to get a limited
8 amount of time to present your case. So, I don't know
9 what you're talking about. How much time is it going
10 to take?

11 **MR. WOODWARD:** I don't know, sir.

12 **THE COURT:** Well, you should, you're the one that
13 have the recordings.

14 **MR. WOODWARD:** Well, those recordings prove my
15 innocence.

16 **THE COURT:** That isn't the question. Answer the
17 question.

18 **MR. WOODWARD:** I don't know, sir. I can't answer
19 that.

20 **THE COURT:** You have no idea how long the
21 recordings are?

22 **MR. WOODWARD:** I don't know how long the
23 depositions were, off the top of my head. And I can't
24 tell you how many hours I need to do this.

25 **THE COURT:** Are you suggesting that I'm going to

Response By Mr. Woodward
Thursday/August 11, 2011

32

1 listen to recordings of a deposition?

2 **MR. WOODWARD:** No, parts of it.

3 **THE COURT:** How are you going to do that?

4 **MR. WOODWARD:** Start an audio file player on my
5 computer and add speakers --

6 **THE COURT:** You're not going to get as much time
7 as you spent today at this hearing. So, how are you
8 going to be able to produce this?

9 **MR. WOODWARD:** Well, I need to be able to produce
10 it when I filed motions against his further motions.

11 **THE COURT:** I can read documents. I don't have
12 time to sit during a hearing and listen to recordings.

13 **MR. WOODWARD:** You want me to try to transcribe
14 them then? I don't know what you mean.

15 **THE COURT:** No, but I'm not going to sit here,
16 unless you tell me, "Judge, it will only take ten
17 minutes or 15 minutes."

18 **MR. WOODWARD:** For each single little part, yeah,
19 it will probably take that much time, yes. I don't
20 expect you, Your Honor, to sit and listen to an entire
21 deposition. I don't expect that.

22 **THE COURT:** What are you expecting me to listen
23 to? How much time would you expect me to listen to
24 recordings at this hearing?

25 **MR. WOODWARD:** For part of it, another option

Response By Mr. Woodward
Thursday/August 11, 2011

33

1 would be to be able to provide me with the hard copies
2 of the depositions and a hard copy of the deposition on
3 December 22nd.

4 **THE COURT:** Why do I need the deposition?

5 **MR. WOODWARD:** Because then that's a written copy
6 of it.

7 **THE COURT:** What's in the deposition that's going
8 to deal --

9 **MR. WOODWARD:** Hearings.

10 **THE COURT:** Pardon?

11 **MR. WOODWARD:** Well, he's going to use my
12 depositions against me and I think it's pretty fair I
13 can use depositions against him.

14 **THE COURT:** I'm not suggesting you can't. But if
15 he's going to use a deposition, he's going to turn in
16 the paper so I can read it and you're going to be able
17 to look at that deposition and use whatever version you
18 want.

19 **MR. WOODWARD:** I don't have paper copies of the
20 depositions, I have electronic copies of the
21 depositions because I can't afford paper copies.

22 **THE COURT:** I understand you can't afford, but I
23 can't conduct a hearing if I'm going to listen to
24 recordings and find out, after a long time of
25 listening, they don't have anything to do with it.

Response By Mr. Woodward
Thursday/August 11, 2011

34

1 **MR. WOODWARD:** You won't, sir. I'll find the time
2 markings of what I have and I'll write those down.

3 **THE COURT:** You're going to get a limited amount
4 of time, so you're on notice right now.

5 **MR. WOODWARD:** About how much time do I have?

6 **THE COURT:** Maximum, an half hour for the hearing.

7 **MR. WOODWARD:** The whole hearing is going to last
8 an half hour?

9 **THE COURT:** Your portion, no more than an half
10 hour; his portion, no more than an half hour.

11 **MR. WOODWARD:** Okay. So, I have an half hour to
12 present my case, fine. Can I produce electronic files,
13 sir, for that hearing, that half hour?

14 **THE COURT:** You mean, play the recordings?

15 **MR. WOODWARD:** Can I play the recordings?

16 **THE COURT:** Yes.

17 **RESPONSE BY MR. BUIKEMA**

18 **MR. BUIKEMA:** And Judge, I certainly agree with
19 Mr. Woodward proffering any evidence he wishes to
20 proffer at that hearing, but I'm reserving any
21 objections to the admissibility of the same, the
22 authenticity of the same and I expect to have some.

23 And I might add, the time to respond to my motion
24 has come and gone, so this may be the first time that I
25 have an opportunity to see whatever it is he's

Response By Mr. Buikema
Thursday/August 11, 2011

35

1 suggesting he can produce in response to summary
2 disposition here.

3 But I've understood what you've said.

4 **THE COURT:** Okay. Anything else?

5 **Motion to File Counter-Claim**

6 **ARGUMENT BY MR. WOODWARD**

7 **MR. WOODWARD:** Yes, sir. Seeing that in this
8 case, Mr. Buikema has failed to produce my student
9 records, I request permission to file counter-claims
10 against AUA for a civil rights violation for failure to
11 provide --

12 **THE COURT:** You'll have to file a motion that I
13 can read because I can't imagine what you're talking
14 about. You'll have to file a motion, he'll respond and
15 then I'll decide whether you can file any counter-claim
16 at this late date. A written motion.

17 **MR. WOODWARD:** And I produced that. I produced a
18 written motion for that.

19 **THE COURT:** Time out. What do you mean, "You
20 produced"?

21 **MR. WOODWARD:** I created a written motion for
22 that, sir.

23 **THE COURT:** Are these matters pending before the
24 Magistrate?

25 **MR. WOODWARD:** Yes, sir.

Argument By Mr. Woodward
Thursday/August 11, 2011

36

1 **THE COURT:** Then we're going to let the Magistrate
2 deal with them.

3 **MR. WOODWARD:** Yes, sir.

4 **THE COURT:** All right. Anything further?

5 **MR. WOODWARD:** Not at this time, Your Honor.

6 **MR. BUIKEMA:** No, Your Honor. Thank you for your
7 time.

8 **THE COURT:** Now, we're going to file the disc?

9 **MR. WOODWARD:** I'll submit it to the Court.

10 Again, I have two Exhibit 1 discs here, I'll have
11 to put it in and look at each one.

12 **THE COURT:** What do you want filed with the clerk?

13 **MR. WOODWARD:** Well, if I submit a response to his
14 motion and I have, like, let's just say I have the
15 hearing on electronic form, I would like to be able to
16 take that CD and --

17 **THE COURT:** No, you said you wanted an order here,
18 I'm going to let you do that. Not any more discs.
19 We're not going to fill this court with discs, all
20 right.

21 **MR. WOODWARD:** But I can produce them during the
22 hearing, correct?

23 **THE COURT:** The one you're going to mark, not
24 going to take more than an half hour, yes.

25 Now, is there a disc you want submitted now and

Argument By Mr. Woodward
Thursday/August 11, 2011

37

1 filed with the Court?

2 **MR. WOODWARD:** Yes, I have a whole bunch of them.

3 **THE COURT:** No, you're not going to file a bunch
4 of them. You said you had one disc. What are you
5 doing?

6 **MR. WOODWARD:** I need to look at the Exhibit 1 I
7 gave you versus this Exhibit 1, defendant's motion to
8 compel.

9 **RESPONSE BY MR. BUIKEMA**

10 **MR. BUIKEMA:** Judge, if I understand correctly,
11 Mr. Woodward is attempting to put in, in disc form,
12 simply a video copy of the hearing that was conducted
13 in front of Judge Hluchaniuk regarding my motion to
14 compel. That's already a part of the court record. I
15 don't think it needs to be submitted.

16 **RESPONSE BY MR. WOODWARD**

17 **MR. WOODWARD:** I don't have a hard copy of that,
18 sir.

19 **THE COURT:** This document, you say, "Motion
20 Request for Filing Electronic Data, Docket 132", what
21 were you asking to file?

22 **MR. WOODWARD:** In docket three, my website is
23 based on electronic files. He's even asked for
24 electronic files from me. I produced those for him,
25 those files should be available for court, I would

Response By Mr. Woodward
Thursday/August 11, 2011

38

1 think.

2 **THE COURT:** What are you asking to file, one disc?3 **MR. WOODWARD:** Discs to support my claims.4 **THE COURT:** One disc?5 **MR. WOODWARD:** Well, if I'm responding to a motion
6 and the motion is in reference to electronic files, I
7 believe I have the right to file electronic files.8 **THE COURT:** I'm asking you, you filed this motion,
9 what were you talking about?10 **MR. WOODWARD:** I'm talking about the ability to
11 when I respond to a motion --12 **THE COURT:** Counsel, you said the clerk wouldn't
13 accept something.14 **MR. WOODWARD:** Correct.15 **THE COURT:** What is it you were asking the clerk
16 to accept?17 **MR. WOODWARD:** In multiple motions I've asked the
18 clerk to accept discs that have evidence on the discs
19 to support my claims.20 **THE COURT:** Multiple?21 **MR. WOODWARD:** If my response to the motion is
22 evidenced in my case, I believe I have the right to
23 present it under the Rules of Evidence that anything
24 that's pertinent to the case should be able to be
25 admissible.

Response By Mr. Woodward
Thursday/August 11, 2011

39

1 **THE COURT:** Finding out what's pertinent is a big
2 question and I'm not going through disc after disc. I
3 thought when you started you had one disc that you
4 wanted to submit in conjunction to this motion and the
5 clerk wouldn't take it and I indicated, "I'll take that
6 disc." I don't know which disc you're talking about.

7 **MR. WOODWARD:** Your Honor, throughout this case
8 I've had discs of evidence. I've given him electronic
9 copies of discs with evidence. He's asked for
10 electronic copies of files from me and I've produced
11 them.

12 **THE COURT:** What do you want the Court to accept
13 for filing?

14 **MR. WOODWARD:** Sir, if my reply, my response to
15 one of his motions, the evidence of that to support my
16 response to his motion is in electronic form, I believe
17 I have the right to submit that file.

18 **THE COURT:** Have you submitted an answer in
19 writing?

20 **MR. WOODWARD:** I have submitted responses to that
21 in writing. I've made transcriptions of electronic
22 files because I cannot submit a disc. So, I listen to
23 it, I write down what I hear and I submit it.

24 **THE COURT:** Okay. Let's go with that. And he's
25 seen copies of what you've submitted?

Response By Mr. Woodward
Thursday/August 11, 2011

40

1 **MR. WOODWARD:** Well, he was at the deposition --

2 **THE COURT:** That's not my question. Listen, okay.

3 My proceeding, in this case, may well be that you
4 have the disc, okay, as best you could, fair enough?

5 **MR. WOODWARD:** Fair enough.

6 **THE COURT:** He has a copy of the disc, correct?

7 **MR. WOODWARD:** Yes, he should have. I mailed it
8 to him and he should have copies of all of it and he
9 was there.

10 **THE COURT:** My question is, does he have a copy of
11 the disc?

12 **MR. WOODWARD:** He does. I mailed all of the
13 copies and he should have a copy that I mailed. It was
14 the clerks that wouldn't accept this.

15 **THE COURT:** Do you have a copy of the disc?

16 **RESPONSE BY MR. BUIKEMA**

17 **MR. BUIKEMA:** I have discs. Which discs and which
18 he's talking about? I have no understanding.

19 **Summary By The Court**

20 **THE COURT:** Fair enough. What I'm going to
21 suggest is this, if you've got a motion and your motion
22 refers -- includes a transcript of some proceeding that
23 you've taken from a disc and you've transcribed it
24 yourself, okay?

25 **MR. WOODWARD:** Yes.

Summary By The Court
Thursday/August 11, 2011

41

1 **THE COURT:** I want to know that he has a copy of
2 that disc so he can listen to it and he could say your
3 transcription is basically correct or not correct. If
4 it's basically correct, I don't need to listen to any
5 disc.

6 **RESPONSE BY MR. WOODWARD**

7 **MR. WOODWARD:** I have another -- here's another
8 example that I need to bring up at this point in time.
9 My response to his upcoming motion here is a video from
10 Fox News that the President of the school admitting
11 that he's paying back students who went to their school
12 for a nursing program of which the school promised
13 them, according to the documentation, that they would
14 be allowed to sit for their nursing board exams and
15 they were not. And it's his President confirming that
16 information.

17 **THE COURT:** So.

18 **MR. WOODWARD:** That's evidence to support my
19 claims.

20 **THE COURT:** Counsel, have you responded to his
21 motion?

22 **MR. WOODWARD:** Yes, I did, sir.

23 **THE COURT:** And in that written response, did you
24 mention that?

25 **MR. WOODWARD:** I did, sir. I gave the URL and I

Response By Mr. Woodward
Thursday/August 11, 2011

42

1 believe I put that video on that disc.

2 **THE COURT:** What disc?

3 **MR. WOODWARD:** The disc that I sent him in
4 response to this motion.

5 **THE COURT:** You filed your response, didn't you?

6 **MR. WOODWARD:** I did, sir, but I wasn't able to
7 give the Court the disc because the clerks wouldn't
8 take the electronic evidence, sir.

9 **THE COURT:** How many different discs are we
10 talking about?

11 **MR. WOODWARD:** Sir, this is evidence to support my
12 claim.

13 **THE COURT:** Listen to my question, how many?

14 **MR. WOODWARD:** I don't know, sir.

15 **THE COURT:** You understand that question?

16 **MR. WOODWARD:** I do, I can't answer you that.

17 **THE COURT:** Then say that.

18 **MR. WOODWARD:** I'm sorry, I can't answer that.

19 **THE COURT:** You have no idea?

20 **MR. WOODWARD:** At this time, I don't. If he filed
21 a motion against me, in my response to that motion, I
22 can't have a cumulative bunch, I'd have to file a
23 response for my response to his motion. Does that make
24 sense?

25 If he files a motion against me, I read his

Response By Mr. Woodward
Thursday/August 11, 2011

43

1 motion, if my evidence to support my side, my response
2 is in electronic form, I put it on a disc, I submit it
3 to the Court, the Court doesn't take the disc. I take
4 the disc, I attach it to the motion, I put it in the
5 mail and I mail it to him.

6 **THE COURT:** But you filed a written response to
7 the motion.

8 **MR. WOODWARD:** I filed a written response. But
9 one of the exhibits is our electronic file. The
10 individual, electronic file.

11 **THE COURT:** But in many cases, you transcribed
12 them?

13 **MR. WOODWARD:** Not these, these are right from Fox
14 News, right from --

15 **THE COURT:** No, I'm not there at all. I want to
16 know whether or not you have transcribed the disc that
17 you believe support your position?

18 **MR. WOODWARD:** The verbal ones we've had at the
19 hearings and the depositions. The parts of the discs
20 that I believe support me, I have. But the video copy,
21 I can't transcribe a video hearing of Fox News. It
22 overwhelmingly supports my case.

23 **THE COURT:** So, how do you --

24 **MR. WOODWARD:** It would be like a murderer getting
25 a security camera of somebody shooting somebody in the

Response By Mr. Woodward
Thursday/August 11, 2011

44

1 head, you can't describe that.

2 **THE COURT:** How do you intend to present it?

3 **MR. WOODWARD:** Whatever means you see fit.

4 **THE COURT:** How do you suggest it?

5 **MR. WOODWARD:** I was going to bring in a projector
6 and show it on the wall.

7 **THE COURT:** How long will it last?

8 **MR. WOODWARD:** I believe it lasts five minutes.

9 **THE COURT:** And that's part of what you want to --

10 **MR. WOODWARD:** There's another electronic file
11 that I would like to present.

12 **THE COURT:** All right. Well, I'll let you show
13 that five-minute clip during the hearing, okay?

14 **MR. WOODWARD:** Thank you, sir. About five
15 minutes. Thank you.

16 **THE COURT:** With respect to the other disc, I want
17 you to let the counsel know, if you haven't already,
18 any response to a motion in which you claim there's
19 information on a disc and that you've transcribed it
20 and you're giving him a copy of the transcription so
21 that he knows that this transcription by you is on Disc
22 "A".

23 **MR. WOODWARD:** I've already done that, sir. The
24 Court is the only one that won't accept the discs.
25 I've already mailed them to him.

Response By Mr. Woodward
Thursday/August 11, 2011

45

1 **THE COURT:** Yeah, but he has to know exactly what
2 you're talking about. Which disc relates to which so
3 he can, you know.

4 **MR. WOODWARD:** Correct.

5 **THE COURT:** So, how can you communicate with him
6 and let him know which disc relates to which response?

7 **MR. WOODWARD:** I've already tried to do that, sir,
8 in my motions such as what I've presented today. I've
9 already given you a disc -- didn't I give you a disc?

10 Okay. Anyway, I've already tried to transcribe a
11 verbal conversation that was December 22nd hearings.
12 It's a recording. It's a verbal recording.

13 **THE COURT:** I just want you to specifically
14 identify a disc and relate it to a particular paper
15 that you filed.

16 **MR. WOODWARD:** Correct, sir, and I tried to do
17 that with Mr. Buikema.

18 **THE COURT:** Don't tell me you tried to.

19 **MR. WOODWARD:** I stuck it in the mail and put a
20 disc with it. This disc is with this motion, here you
21 go. I did the same thing with the Court: "Here's the
22 Judge's copy, here's the court's copy, here's the
23 disc." They don't accept the disc.

24 **THE COURT:** How many did you send to him?

25 **MR. WOODWARD:** They won't accept them.

Response By Mr. Woodward
Thursday/August 11, 2011

46

1 **THE COURT:** No, I said him.

2 **MR. WOODWARD:** Oh, I sent him all of them.

3 **THE COURT:** That doesn't tell me anything.

4 **MR. WOODWARD:** Approximately six.

5 **THE COURT:** Are these matters that are pending
6 before Magistrate Hluchaniuk?

7 **MR. WOODWARD:** Some of them, yes.

8 **THE COURT:** I need to know which ones.

9 **MR. WOODWARD:** Okay. It would be defense response
10 for plaintiff's motion for security costs. Defense
11 response for sanctions for defendant's failure to
12 comply with Court orders. And defense response to
13 plaintiff's motion for summary judgment.

14 **THE COURT:** All right. Now, the response to the
15 summary judgment, that's the one that's up on the 18th?

16 **MR. BUIKEMA:** It is, Your Honor.

17 **THE COURT:** Have you got discs? Are you going to
18 present something in conjunction with that response?

19 **MR. WOODWARD:** The electronic files that I've
20 identified in this are -- I gave him a disc and in that
21 disc it had "A", "AA", "AB", "AC", "AE", and "AF". The
22 disc is called Disc "A", that would be here, Summary
23 Judgment. It's this disc here.

24 This disc is electronic files for this upcoming
25 hearing for defense response to plaintiff's motion for

Response By Mr. Woodward
Thursday/August 11, 2011

47

1 summary judgment. And on there is the Fox News
2 recording. There's a copy of AUA's Student Handbook,
3 which he said he never received, of which it's his
4 company's document.

5 An electronic copy of the student handbook. An
6 electronic copy of the fifth semester student handbook,
7 is what he said he never received. It's an electronic
8 copy of the fifth semester syllabus. It's the
9 guidelines, the electronic copy of the guidelines is
10 the response -- it's the guidelines is the one that he
11 said he never received. That's his own document.

12 **THE COURT:** Aren't there hard copies of all of
13 that?

14 **MR. WOODWARD:** Not the biochemistry review, not
15 the Fox News. The student handbook and the rest of
16 them, there are. But this is my response to his claim.
17 And so to provide the student handbook and the fifth
18 semester syllabus and hard copies of the files,
19 electronic copies of what I have, which are copies of
20 electronic files that they emailed me back in 2007,
21 those are on here.

22 **THE COURT:** Have you transcribed that disc?

23 **MR. WOODWARD:** I can't transcribe -- I mean, I
24 could but it would take me volumes -- I mean, I might
25 as well get a hard copy. But I can produce a hard copy

Response By Mr. Woodward
Thursday/August 11, 2011

48

1 of it but --

2 **THE COURT:** I don't know that it's even relevant,
3 so I don't want to spend time going through these
4 things.

5 **MR. WOODWARD:** All I'm saying is that some of the
6 stuff is raw and others are stuff that support my
7 motion.

8 In my response, if I made a response and part of
9 that exhibit was from the student handbook, then I
10 would refer to the electronic copy versus referring to
11 a paper -- well, it's not that thick but the student
12 handbook is, like, that thick though.

13 Instead of producing the hard copy of a student
14 handbook for every single response, I just put it on
15 electronic form.

16 **THE COURT:** Can't you print it out?

17 **MR. WOODWARD:** I have a bunch of printout copies.

18 **THE COURT:** Print out just the relevant pages,
19 can't you do that?

20 **MR. WOODWARD:** I can, sir.

21 **THE COURT:** Wouldn't that be the thing to do
22 instead of burdening the Court with a pamphlet that,
23 90 percent, doesn't have anything to do with this case?

24 **MR. WOODWARD:** Well, sir, with all due respect, I
25 didn't know that the Court couldn't -- that they

Response By Mr. Woodward
Thursday/August 11, 2011

49

1 couldn't handle an electronic copy of evidence to
2 support somebody's claims against them.

3 **THE COURT:** How do you think we could handle it?

4 **MR. WOODWARD:** Create a database of electronic
5 files.

6 **THE COURT:** Print out all that stuff?

7 **MR. WOODWARD:** No, create a database of electronic
8 files. You store emails. If you store emails -- all
9 of this stuff you scan in and turn it into electronic
10 file without a paper.

11 **THE COURT:** And how do I read it?

12 **MR. WOODWARD:** How do you read it? You read it
13 out of PACER.

14 **THE COURT:** On the computer?

15 **MR. WOODWARD:** On the computer.

16 **THE COURT:** I'm not going to sit and read page
17 after page on the computer.

18 **MR. WOODWARD:** I'm not familiar, sir, with how you
19 do your business. I'm sorry but I --

20 **THE COURT:** No, I like hard copies.

21 **MR. WOODWARD:** Okay. Knowing that, everything
22 that I can produce, in hard copy format, sir, I will.
23 But again, I'm not a trained stenographer. I'm going
24 to do the best I can to produce that information.

25 For me, being a computer science person that's --

Response By Mr. Woodward
Thursday/August 11, 2011

50

1 especially with the initiative to reduce paper in the
2 United States, this is easier than producing this.

3 If I could send you this in electronic file versus
4 walking down to the Clerk's Office, if I could email it
5 to you -- but I'll do whatever you need.

6 **THE COURT:** You have filed the response to the
7 motion?

8 **MR. WOODWARD:** This is my response to his motion
9 coming up.

10 **THE COURT:** Hear my question. Have you filed it?

11 **MR. WOODWARD:** Yes, sir.

12 **THE COURT:** So, I have it?

13 **MR. WOODWARD:** Yes, sir, you have the hard copy
14 parts of it. You want me to print out a supplement of
15 the electronic copies of the pages?

16 **THE COURT:** I don't want any more pages unless
17 it's really pertinent to something, okay. And I
18 require people to give me the page or pages. Don't
19 give me a 500-page document and say, "It's in there
20 some place, Judge", you know, I'm not going to see it.

21 **MR. WOODWARD:** I understand that, sir. And I've
22 tried to identify the page numbers and paragraph
23 numbers.

24 **THE COURT:** Print out, bring in the hard copy and
25 limit your hard copy to that which is pertinent to the

Response By Mr. Woodward
Thursday/August 11, 2011

51

1 motion.

2 **MR. WOODWARD:** Yes, sir.

3 **THE COURT:** All right. We'll see you on the 18th.

4 Do you want her to accept some disc for filing?

5 (Disc given to Clerk by Mr. Woodward)

6 **THE COURT:** Now, that's the disc relating to what?

7 **MR. WOODWARD:** That's the summary judgment.

8 **THE COURT:** Motion?

9 **MR. WOODWARD:** Correct, sir.

10 **THE COURT:** All right. Does that relate to this
11 motion?

12 **MR. WOODWARD:** Yes, it's part of it, producing
13 electronic copies to help support my claim, yes.

14 **THE COURT:** Is that identified somehow so in my
15 order I can indicate that it be --

16 **MR. WOODWARD:** Says Exhibit "A", Summary Judgment.

17 **THE COURT:** All right. Produce an order and we
18 will file that. Now, you don't have another copy of it
19 or you do/

20 **MR. WOODWARD:** I have it on my computer, I have
21 plenty of copies.

22 **THE COURT:** Counsel have a copy of it?

23 **MR. BUIKEMA:** I wouldn't know, Your Honor.

24 **MR. WOODWARD:** He should have. I mailed it to
25 him.

Response By Mr. Woodward
Thursday/August 11, 2011

52

1 **MR. BUIKEMA:** I understand Mr. Woodward's
2 admissions as if they were -- about as well as if they
3 were written in sand-script, frankly. I don't know
4 what he's referring to.

5 **MR. WOODWARD:** I can prove that he has copies of
6 it.

7 **THE COURT:** No, no. Is there a date on this?

8 **MR. BUIKEMA:** I have discs.

9 **THE COURT:** No, is there a date on this disc, the
10 summary judgment, that he could look through the disc
11 he has to see which one we're talking about now? How
12 would he know, when he looks at a bunch of discs that
13 you've mailed him, which one relates to this?

14 **MR. WOODWARD:** It says, Exhibit "A".

15 **THE COURT:** On the copy you sent him?

16 **MR. WOODWARD:** Right. Whatever is written on that
17 page is what I wrote on his.

18 **MR. BUIKEMA:** Okay. Fair enough.

19 **MR. WOODWARD:** And he's obviously looked at it
20 because his reply to my response says that he did not
21 receive the guidelines as part of that. The
22 guideline's file of which is his own company's
23 documentation.

24 **THE COURT:** All right. We'll see you on the 18th.

25 **MR. WOODWARD:** Thank you, very much, sir.

Response By Mr. Woodward
Thursday/August 11, 2011

53

1 (Whereupon proceedings concluded at 4:15 p.m.)
2 - - -
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

